

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

NOHE RODRIGUEZ

v.

BEEVILLE INDEPENDENT SCHOOL
DISTRICT

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C.A. NO. C-04-506

**MEMORANDUM OPINION AND ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**


On July 13, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 31). An objection was timely filed (D.E. 37), in which plaintiff argues that he need not “prove his case by a preponderance of the evidence in the eyes of the judge, but must merely present sufficient evidence that some reasonable juror could find from the evidence that the defendant’s stated reason for its conduct was merely pretext for discrimination.”

Plaintiff’s objection is without merit. In her Memorandum and Recommendation, the Magistrate Judge recommends granting defendant’s motion for summary judgment because **no reasonable juror** could find that plaintiff has met his burden to offer evidence that defendant’s legitimate non-discriminatory reasons for hiring Del Bosque were a pretext for age discrimination. This Court firmly agrees with this finding and concludes that plaintiff has not met his summary judgment burden. Therefore, having reviewed *de novo* the Magistrate Judge’s memorandum and recommendation and the

pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, defendant's motion for summary judgment (D.E. 24) is GRANTED. Plaintiff's cause of action is dismissed in its entirety.

ORDERED this 10th day of August, 2005.


HAYDEN HEAD
CHIEF JUDGE